



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 28, 1995

Mr. Charles H. Weir  
Assistant City Attorney  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR95-858

Dear Mr. Weir:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32648.

The San Antonio Police Department (the "department") received an open records request from an attorney for a copy of statements made by the requestor's clients during the course of the department's investigation of alleged incidents of indecency with a child and sexual assault of a child. You contend the requested records are excepted from required public disclosure under section 552.108 of the Government Code. Because we resolve your request under section 552.101, we need not address your section 552.108 claims.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Chapter 34 of the Family Code concerns, among other things, reports of child abuse to local law enforcement agencies. Section 34.08(a) of the Family Code provides:

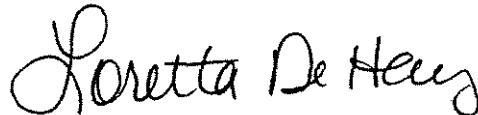
Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency. (Emphasis added.)

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. Neither subsection is applicable to the current request.

Because you have not cited any specific regulation that the department has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the records at issue are confidential pursuant to section 34.08(a) of the Family Code. See Open Records Decision No. 440 (1986) at 2. Accordingly, the department must withhold the requested statements from the public.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref.: ID# 32648

Enclosures: Submitted documents

cc: Mr. Donald R. Taylor  
Taylor & Dunham, L.L.P.  
327 Congress Avenue, Suite 600  
Austin, Texas 78701  
(w/o enclosures)

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<sup>1</sup>We note that the requestor seeks these records for use in a related civil lawsuit. We do not address in this ruling whether the requested records would be available to the requestor pursuant to a subpoena issued by the court hearing that suit.